

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN ROBERT DEMOS, JR.,

Plaintiff,

v.

WASHINGTON STATE
INDETERMINATE SENTENCE
REVIEW BOARD, et al.,

Defendants.

CASE NO. C22-5404 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable Michelle L. Peterson, United States Magistrate Judge, Dkt. 2, and Plaintiff’s objections to the R&R, Dkt. 3.

Demos is under a pre-filing bar order in this Court and in multiple other courts. *See* Dkt. 2 at 2. He filed his complaint after filing three previous IFP applications this year and without the affidavit required under his bar order. *Id.* at 2. Judge Peterson therefore recommends this Court dismiss his complaint without prejudice. *Id.* at 3. Demos objects, arguing that the bar order violates his First Amendment rights. Dkt. 3.

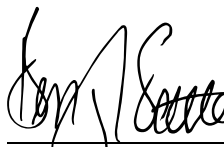
1 The district judge must determine de novo any part of the magistrate judge's
2 disposition that has been properly objected to. The district judge may accept, reject, or
3 modify the recommended disposition; receive further evidence; or return the matter to the
4 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

5 Demos's bar order does not prevent him from petitioning the Government, but
6 rather limits him to filing three IFP applications each year and requires him to
7 accompany each application with "an affidavit that the claims have not been presented in
8 any other action in any court and that [Plaintiff] can and will produce evidence to support
9 his claims." Dkt. 2 at 2. He has exceeded his annual limit of IFP applications this year
10 and he failed to file the requisite affidavit.

11 The Court having considered the R&R, Plaintiff's objections, and the remaining
12 record, does hereby order as follows:

- 13 (1) The R&R is **ADOPTED**;
- 14 (2) Demos's Motion for Leave to Proceed *in forma pauperis* is **DENIED**;
- 15 (3) This matter is **DISMISSED without prejudice**;
- 16 (4) The Clerk shall enter a **JUDGMENT** and close the case; and
- 17 (5) The Clerk is directed to send copies of this Order to Plaintiff and to Judge
18 Peterson.

19 Dated this 12th day of July, 2022.

20 

21 BENJAMIN H. SETTLE
22 United States District Judge